

**MAY 18 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

DANA L. OLSON,

Plaintiff - Appellant,

v.

SHIRLEY GAMMON; et al.,

Defendants - Appellees.

No. 04-35844

D.C. No. CV-04-00042-A-JWS

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Alaska  
John W. Sedwick, District Judge, Presiding

Submitted May 15, 2006<sup>\*\*</sup>

Before: B. FLETCHER, TROTT, and CALLAHAN, Circuit Judges.

Dana L. Olson appeals pro se from the district court's judgment dismissing pursuant to 28 U.S.C. § 1915(e)(2) her action alleging violations of her civil rights. We dismiss for lack of jurisdiction.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The district court entered separate judgment dismissing Olson's action on July 12, 2004. The district court denied Olson's final post-judgment motion for reconsideration on July 23, 2004. Because Olson failed to file her notice of appeal until September 13, 2004, this court lacks jurisdiction over this appeal. *See* Fed. R. App. P. 4(a)(4)(A) (notice of appeal must be filed within 30 days of the entry of an order disposing of the last post-judgment tolling motion); *Malone v. Avenenti*, 850 F.2d 569, 572 (9th Cir. 1988) (noting that a timely-filed notice of appeal is both mandatory and jurisdictional).

**DISMISSED.**